FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit an automobile service garage and lock and key service shop on the subject property, and variances to permit a side street setback of 5 feet in lieu of the minimum required 10 feet, and a stone parking surface in lieu of the required durable and dustless surface, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Edward C. Covahey, Jr., Esquire, appeared and testified. Also appearing on behalf of the Petitions were Michael B. Dallas, Registered Land Surveyor and Dwight D. Jackson, President, Jackson Industries, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 2207 and 2209 East Joppa Road, consists of .5 acres zoned B.L.-C.S.2 and is improved with a lock and key shop, a retail store, and accessory garage as depicted on Petitioner's Exhibit 1. Petitioner has a lease agreement with Dwight D. Jackson for the operation of the subject lock and key shop. Testimony indicated Mr. Jackson is desirous of utilizing the existing garage as an automobile service garage in conjunction with the subject lock and key shop. Mr. Jackson testified that his locksmith business has been at the subject location for the last 10 years and that his lease agreement with the Petitioner includes several extended options. He indicated that the proposed service garage is necessary to permit vehicle repairs during inclement weather. Mr. Jackson testified that the garage will contain sufficient space to accommodate two automobiles at one time. He further testified that his shop is open six days a week with the exception of the summer months at which time the shop is closed on Saturdays.

Michael Dallas testified that the lock and key shop has been in existence at the subject location in excess of 40 years, prior to the widening of Joppa Road. Mr. Dallas indicated that the requested variances are needed for the existing building as a result of said widening. Testimony indicated that if the requested variances are denied, Petitioner would suffer undue hardship and practical difficulty in that a large portion of the building would necessarily need to be removed. Mr. Dallas also testified to the requirements of Section 502.1 of the Baltimore County Zoning Regulations and indicated that in his opinion, the requested relief complies with said Section. Further testimony indicated that parking on the property is more than adequate to accommodate customers of the retail store and the lock and key business.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.S. 2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest.

- 2-

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-425-XA

lock and key service, pursuant to Section 230-13 of the Baltimore County

Property is to be posted and advertised as prescribed by Zoning Regulations.

of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Tenant:

Baltimore, Maryland 21234

Towson, Maryland 21204

City and State

2207 E. Joppa Road

City and State

Attorney for Petitioner:

(Type or Print Name)

Dwight David Jackson, President

Ting he & Me ham

(Type or Print Name) Jackson Industries,

EDWARD C. COYAHEX, JR.

614 Bosley Avenue

Attorney's Telephone No.: (301)828-9441

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the

herein described property for a service garage for a lock and key shop, and automobile

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing

Legal Owner(s):

Ruth Idam

(Type or Print Name)

City and State

____, 19_92, that the subject matter of this petition be advertised, as

Edward C. Covahey, Jr.

of this petition, and further agree to and are to be bound by the zoning regulations and restrictions

The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

- 3-

#1406

I/We do solemnly declare and affirm,

under the penalties of perjury, that I/we

are the legal owner(s) of the property

(Type or Print Name) Kensington, MD [20895

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

614 Bosley Avenue, Towson, MD 21204

oning Commissioner of Baltimore Count

-

which is the subject of this Petition.

Ruth Adams, 9705 E. Bexhill Drive

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-425-XA The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 232.1, area regulations and 409.8(A)(2), design standards, parking lots, to permit a 5 side street setback in lieu

of 10' and a stone parking surface in lieu of the durable and dustless of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Petitioner seeks a 5 ft. front setback (side of building) in lieu of the minimum 10 ft. because the proposed setback is for a building already in existence, housing Petitioner's business. Petitioner's parking lot is similarly already completed, composed of a stone and bituminous mixture, and any change to same will result in severe interruption of Petitioner's business.

Property is to be posted and advertised as prescribed by Zoming Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Tenant: Kootsek Baybasexx Ruth Adams, 9705 E. Bexhill Dr. Dwight David Jackson, President (Type or Print Name) Jackson Industries, Kensington, Maryland 20895 2207 E. Joppa Road Raltimore, Maryland, 21235... City and State Attorney for Petitioner EDWARD C. COVAHEY, JR. (Type or Print Name) City and State 614 Bosley Avenue Name, address and phone number of legal owner, con Edward C. Covahey, Jr. .Towson, Maryland 21204

A.M.

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for day of July, 1991 that the Petition for Special Exception to permit an automobile service garage and lock and key service shop on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a side street setback of 5 feet in lieu of the minimum required 10 feet, and a stone parking surface in lieu of the required durable and dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > - 4-

for Baltimore County

MICHAEL B. DALLAS Registered Surveyor SUITE 200

24 W. PENNSYLVANIA AVENUE TOWSON, MD. 21204

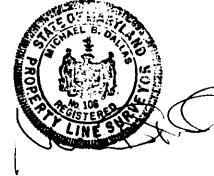
91-425-XA

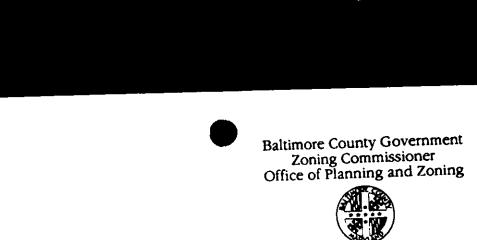
Zoning Description 2207-09 E. Joppa Road

BEGINNING for the same on the southernmost side of E. Joppa Road (70 feet wide) at a point distant 540 feet more or less southwesterly from the centerline of Old Harford Road thence binding on said side of said road South 89 degrees 20 minutes 23 seconds west]40.47 feet thence leaving said road and running South 23 degrees 24 minutes 00 seconds west 99.48 feet to the zoning division line between BL and DR 5.5 zones thence binding on said zoning line South 58 degrees 40 minutes 00 seconds east 129.50 feet thence leaving said zoning line and running North 23 degrees 24 minutes east 174.62 feet to the place of beginning.

CONTAINING 0.50 acres of land more or less.

May 1990





111 West Chesapeake Avenue Towson, MD 21204

July 2, 1991

Edward C. Covahey, Jr., esquire 614 Bosley Avenue

Towson, Maryland 21204 RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE S/S Joppa Road, 540' W of the c/l of Old Harford Road (2207 and 2209 E. Joppa Road) 9th Election District - 6th Councilmanic District Ruth Adams - Petitioner Case No. 91-425-XA

Dear Mr. Covahey:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, ROBERT HAINES Zoning Commissioner for Baltimore County

887-3353

cc: People's Counsel

File

County, on the _____ day of ____ ORDE Daie By

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

494-0020



91- 11. XH CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

2 +	Date of Posting 6/1/11
District.	Date of Posting 6/1/11
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Posted by Signature Fumber of Signature	Designation of the second of t

Tower, Maryland

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or follows: Case Number: 91-425-XA S S Joppa Road: 540' W of c 1 Old Hartord Road 2207 and 2209 E. Joppa Road 9th Election District 6th Councilmanic Legal Owner(s)
Puth Adams
Petitioner(s) Tenant:
Jackson Industries, Inc.
Hearing Date: Friday,
June 28, 1991 at 9:00 a.m. Special Exception: A service garage for a lock and key shop, and automobile lock and key service. Variance: to permit a 5 tt side street setback in lieu of 10. π side street serback in the of the fit and a stone parking surface in lieu of the durable and dustless

J. ROBERT HAINES

Zoning Commissioner of Baltimore County N J 5 339 May 30

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on ______, 19 ...

330 - \$15.18

887-3353

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

May 17, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-425-XA s/S Joppa Road, 540' W of c/l Old Harford Road 2207 and 2209 E. Joppa Road 9th Election District - 6th Councilmanic Legal Owner(s): Ruth Adams Petitioner(s)/Tentant: Jackson Industries, Inc. HEARING: FRIDAY, JUNE 28, 1991 at 9:00 a.m.

Special Exception: A service garage for a lock and key shop, and automobile lock and key service.

Variance to permit a 5 ft. side street setback in lieu of 10 ft. and a stone parking surface in lieu of the durable and dustless.

J. Robert Haines

Zoning Commissioner of Baltimore County

cc: Ruth Adams Edward C. Covahey, Jr., Esq. CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Baltimore County of Baltimore County of Baltimore County cated at 111 enue in Tows of Baltimore County will hold a sa follows:

jand automobile lock and key Zonwservice. **Variance:** to permit a 5 ft. side street setback in lieu of 10

Zoning Commissioner of Baltimore County N.J.5.339 May 30

J. ROBERT HAINES

N/J/5/339 Aft. and a stone parking surface in lieu of the durable and dustless.

THIS IS TO CERTIFY, that the annexed advertisement was publish-

cated at 111 the Zoning Act and Regulations enue in Tows of Baltimore County will hold a public hearing on the property Case Nur identified herein in Room 106 of S Joppi County Office Building, to 10 of Hard cated at 111 W Chesapeake Aviold Hard Cated Aviold Hard Ca

Publisher

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

June 3, 1991

887-3353

Edward C. Covahey, Esquire 614 Bosley Avenue Towson, MD 21204

> RE: Item No. 406, Case No. 91-425-XA Petitioner: Ruth Adams, et al Petition for Special Exception and Zoning Variance

Dear Mr. Covahey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

cc: Mr. Dwight D. Jackson Jackson Industries, Inc. 2207 E. Joppa Road Baltimore, MD 21234

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Baltimore County Zoning Commisioner

County Office Building 111 West Chesapeake Avenue

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Towson, Maryland 21204

Zoning Commisioner

111 West Chesapeake Avenue

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1 X \$175.00

TOTAL: #350.00

Please Make Checks Payable To: Baltimore County)10:26AN04-23-91

887-3353

Your petition has been received and accepted for filing this 15th day of May, 1991.

ZONING COMMISSIONER

Received By:

Petitioner: Ruth Adams

Petitioner's Attorney: Edward C. Covahey

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

887-3353

111 West Chesapeake Avenue Towson, MD 21204

Jackson Industries, Inc. 2207 E. Joppa Road Baltimore, Maryland 21234

ATTN: DAVID JACKSON

Case Number: 91-425-XA S/S Joppa Road, 540' W of c/l Old Harford Road 2207 and 2209 E. Joppa Road 9th Election District ~ 6th Councilmanic Legal Owner(s): Ruth Adams Petitioner(s)/Tentant: Jackson Industries, Inc. HEARING: FRIDAY, JUNE 28, 1991 at 9:00 a.m.

Dear Petitioner(s):

Please be advised that \$125.18 is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

cc: Edward C. Covahey, Jr., Esq.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: May 29, 1991

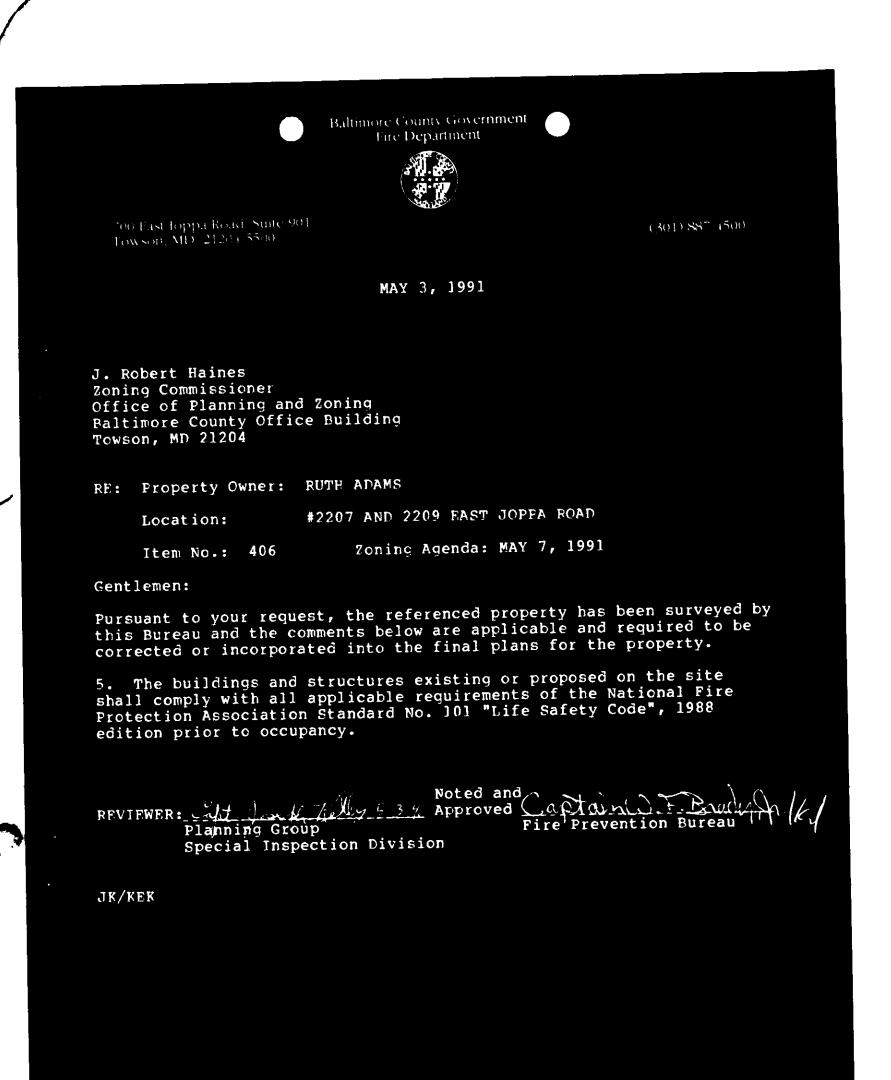
Mr. J. Robert Haines Zoning Commissioner Rahee J. Famili

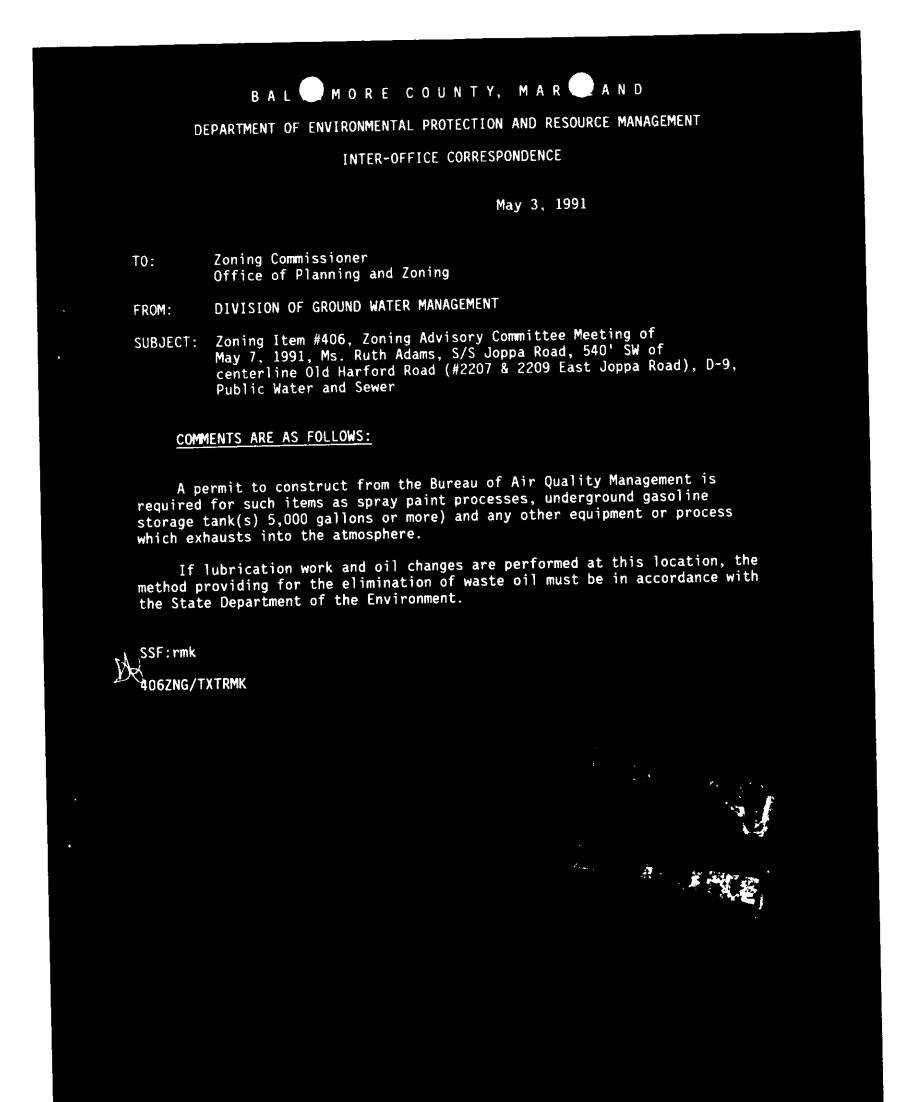
SUBJECT: Z.A.C. Comments

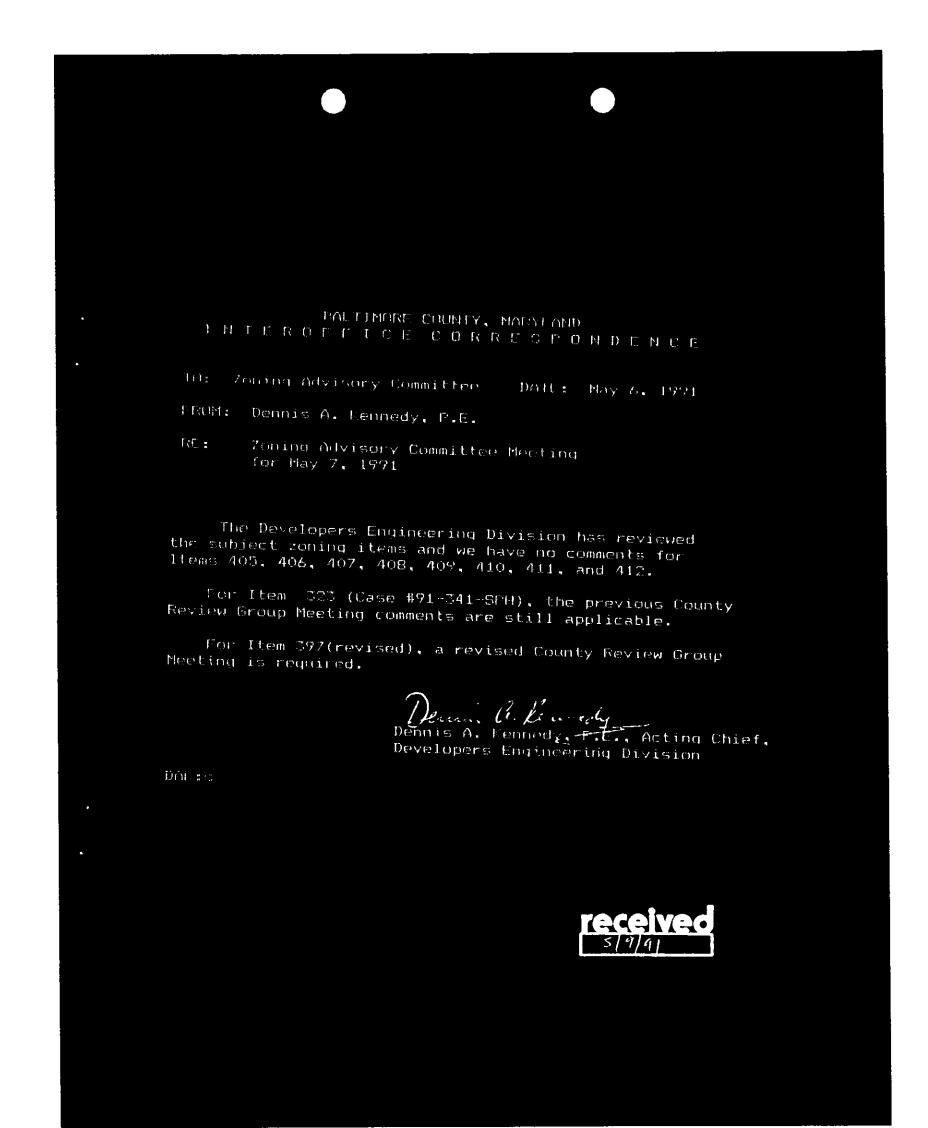
Z.A.C. MEETING DATE: May 7, 1991

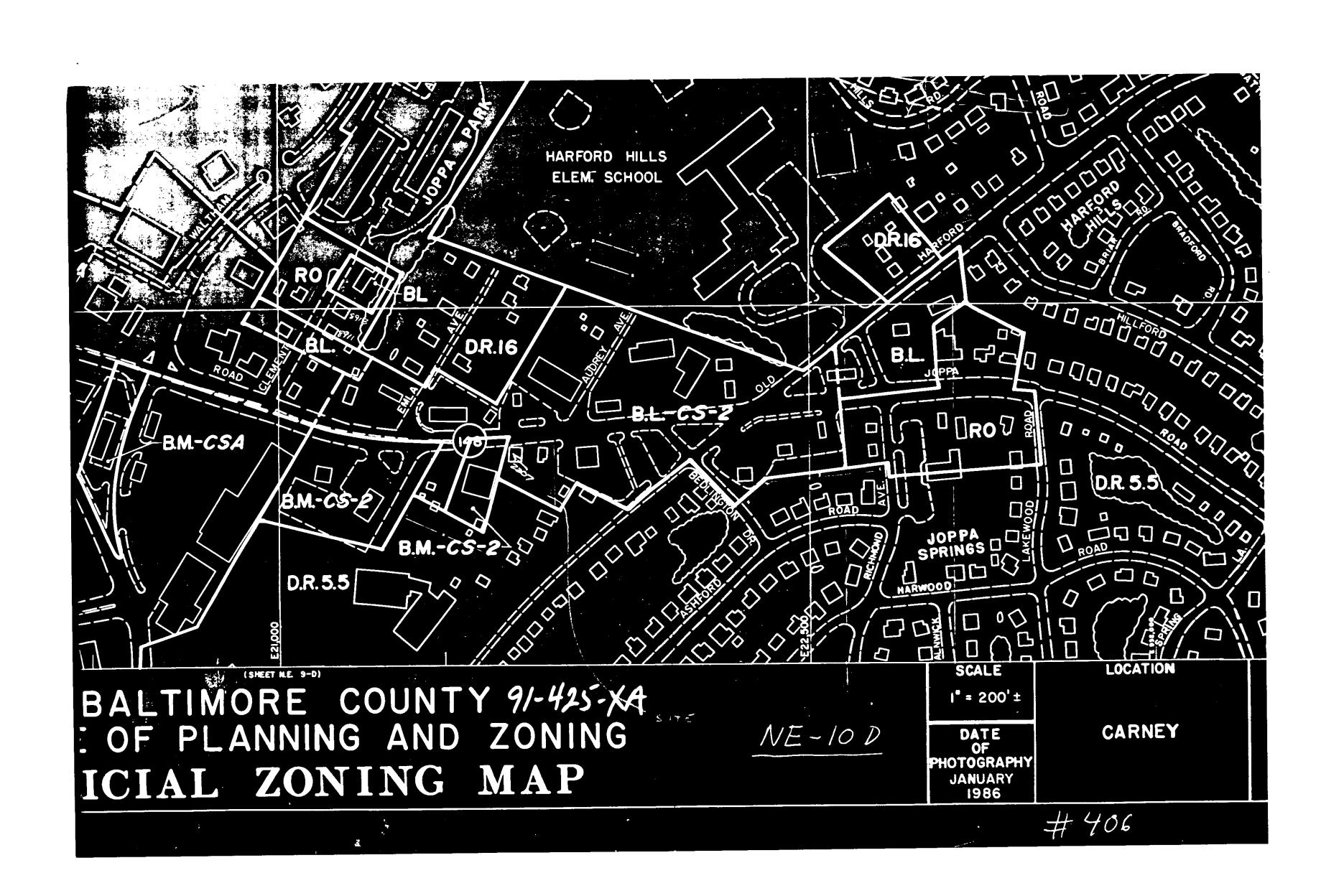
This office has no comments for items number 405, 406, 407, 408, 409, 410, 411 and 412.

RJF/lvd









BALTIMORE COUNTY, MARYLAND Inter-office Correspondence

TO: J. Robert Haines

FROM: Robert C. Merrey, Jr. DATE: May 14, 1991

SUBJECT: Zoning Variance Request, ZAC #406

Property Owner: Ruth Adams

2207 East Joppa Road (Joppa Lock and Key) S/S Joppa Road near Old Harford Road Location:

Existing Zoning: B.L.-C.S.2 Area:

.50 acre

Ninth Election District, Sixth Councilmanic District District:

This office recommends approval of crusher-run "crushed stone" in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to control airborne particulate.

cc: Zoning Variance File North Point Government Center

